

CITY OF GRAND JUNCTION DEPARTMENT OF PUBLIC WORKS MEMORANDUM OF AGREEMENT	Project No.: 207-F210306
	Description: F ½ Road Parkway Improvement Project
	Owner(s): DRK Investing, LLC
	Parcels: RW-36, MPE-36 & TCE-36

This Memorandum of Agreement (“Agreement”) is made and entered into this 20th day of December, 2024, by and between **DRK Investing, LLC, a Colorado Limited Liability Company**, hereinafter referred to as “the Owner”, and the City of Grand Junction, a Colorado home rule municipality, hereinafter referred to as “the City”.

RECITALS:

- A. The City is proceeding with implementation of the F ½ Road Parkway Improvement Project (“Project”). The Project will create a fully developed street section from 24 Road on the west to 25 Road on the east. The project will also add street improvements to 25 Road from Patterson Road on the south to Waite Avenue on the north. Improvements include additional travel lanes, auxiliary lanes, facilities to accommodate pedestrian and bicycle mobility, storm drainage facilities, street lighting, landscaped medians and parkways, and a new roundabout at the intersection of F ½ Road Parkway and 24 ½ Road (“Project Improvements”). The City Council of the City has determined that the Project is necessary for the health, safety and welfare of the inhabitants of the City of Grand Junction. All costs associated with installation of the Project Improvements will be borne by the City.
- B. The Owner owns certain real property within the limits of the Project located at 604 25 Road in the City of Grand Junction, County of Mesa, State of Colorado, as recorded in the records of the Mesa County Clerk and Recorder at Reception #2598238 and identified by Mesa County Assessor Parcel Number 2945-033-07-027, hereinafter referred to as “the Owner’s Property”.
- C. The installation, operation, maintenance, repair and replacement of the Project Improvements requires the acquisition of the following described real property interests from the Owner:

Parcel No. RW-36: A parcel of land in fee simple to be used as public right of way for F 1/2 Road, containing a total area of 2,448 square feet (0.06 acres), more or less, as more particularly described in the accompanying legal description labeled Exhibit “A” and depicted on the accompanying graphic illustration labeled Exhibit “B”; and also

Parcel No. MPE-36: A Multi-Purpose Easement to include but not be limited to the installation, operation, maintenance and repair of public utilities, traffic control facilities, street lighting, landscaping, trees, grade structures, public sidewalks and trails, containing a total area of 5,123 square feet (0.12 acres), more or less, as more particularly described in the accompanying legal description labeled Exhibit “C” and depicted on the accompanying graphic illustration labeled Exhibit “D”; and also

Parcel No. TCE-36: A Temporary Construction Easement to facilitate prudent, proper, safe and efficient installation of the Project Improvements, containing a total area of 787 square feet (0.018 acres), more or less, as more particularly depicted on the accompanying graphic illustration labeled Exhibit “E”. The City’s required duration of use for Parcel No. TCE-36 is 24 months.

The above referenced real property interests may be referred to collectively hereafter as the “Acquired Property”.

- D. The City has obtained and reviewed an appraisal prepared by a Colorado Certified General Appraiser to estimate the fair market value and just compensation to be offered for the Acquired Property. In consideration of the foregoing, the City and the Owner agree to the following sum of money as just compensation for the Acquired Property and any improvements, damages or costs to cure itemized below:

Parcel No. RW-36:	2,448 sq.ft. @ \$21.00/sq.ft.	= \$ 51,408.00
Parcel No. MPE-36:	5,123 sq.ft. @ \$21.00/sq.ft. x 50%	= \$ 53,792.00
Parcel No. TCE-36:	787 sq.ft. @ \$21.00/sq.ft. x 10% /year x 2 years	= \$ 3,305.00
Total Land & Easement Value		= \$108,505.00
Improvements:		
RW-36	Irrigated sod/lawn/grass	
MPE-36	Asphalt driveway segment	
MPE-36	Asphalt curbing	
MPE-36	8’ x 8’ landscape timber	
MPE-36	Locust tree	
Total Improvements Contributory Value		= \$12,340.00
Total Consideration (rounded)		= \$120,900.00

NOW, THEREFORE, based on the recitals above and in consideration of their mutual promises and other valuable consideration, the receipt and adequacy of which are acknowledged, the parties hereto agree as follows:

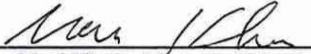
1. The Owner hereby accepts the Total Consideration stated above from the City as just compensation, and the City hereby agrees to pay the Total Consideration to the Owner subject to the promises, terms, covenants and conditions of this Agreement.
2. Subject to the City's typical payment processing period, the Total Consideration shall be remitted, at the City's sole discretion, to the Owner by either (1) the City directly in the form of a City check, or (2) a title company selected by the City, to which the City has deposited the Total Consideration pending upon the execution and delivery by the Owner to the City of:
 - a. One (1) fully executed original of this Memorandum of Agreement.
 - b. One (1) good and sufficient General Warranty Deed for Parcels No. RW-36.
 - c. One (1) good and sufficient Grant of Multi-Purpose Easement Agreement for Parcel No. MPE-36, in the form attached hereto and incorporated herein by reference.
 - d. One (1) good and sufficient Temporary Construction Easement Agreement for Parcel Nos. TCE-36.
 - e. One (1) completed and executed Federal Form W-9.
 - f. Satisfaction(s) and/or release(s) of all outstanding items referenced in Paragraph 3 below.
3. The Total Consideration shall fully compensate the Owner for the Owner's interests in and to the Acquired Property, either present or future, and the interests of all lienors and lessees of the Owner and any and all interests, legal or equitable, which are or may be outstanding, including, but not limited to: ad valorem property taxes due for prior years; current year ad valorem property taxes prorated to the date of closing (applicable to any fee simple parcel included in the Acquired Property), and satisfaction, subordination or release of all liens, deeds of trust, judgments and financial encumbrances to deliver financially unencumbered title to the City. The Owner agrees to sell, convey and discharge all such interests in and to the Acquired Property by executing in writing all necessary deeds, documents and/or conveyances, including but not limited to, releases, whether full or partial as applicable, or subordinations of deeds of trust.
4. The City shall be entitled to take irrevocable possession of the Acquired Property when the City, at its sole discretion, remits the total consideration to either: (1) the Owner directly by City Check; or, (2) deposits the consideration set forth above into an escrow account for the benefit of the Owner with the City's selected title company. Transfer of title to the Acquired Property shall occur upon performance of all terms under this Agreement, and release of the Total Consideration due to the Owner.
5. In 2016, Owner was issued a sign permit SGN-2015-956 ("Permit") by the City for a monument sign to be installed on the Owner's Property. The monument sign was not installed as indicated on the site plan for the Permit. The sign is installed within the City's owned property. Owner is not entitled to have its sign on City property. The sign is in violation of the City's Code. As part of the Project, the City agrees to relocate the existing lighted monument sign on to Owner's Property north of its current location retaining the sign's orientation to traffic as it is now and at the same elevation or higher. The electric for the sign will also be relocated with the sign. Said sign shall be relocated within the proposed multi-purpose easement, as shown on the accompanying graphic illustration labeled Exhibit "F". All work performed pursuant to this Agreement shall be done in a good and workman like manner with the sign being in a materially similar condition after relocation as that before being moved. Exhibit F shall be added as an amendment to the site plan for the Permit as it relates to the monument sign and the Permit will remain effective. The City's engineer for the project has reviewed the sign and the utilities and other facilities within the multipurpose easement now and/or those which will be added as a part of the Project and does not find the existing monument sign's presence within the multipurpose easement to unreasonably interfere with the use of the easement.
6. This Memorandum of Agreement embodies all agreements between the parties hereto and no other promises, terms, conditions or obligations, oral or written, have been made which might serve to modify, add to or change the terms and conditions of this Agreement.
7. This Memorandum of Agreement shall be deemed a contract extending to and binding upon the parties hereto and upon their respective heirs, successors and assigns.
8. The City will be entitled to specific performance of this Agreement upon tender of the agreed consideration.

9. This Agreement is a legal instrument. The City recommends the Owner seek the advice of the Owner's own legal and/or tax counsel before signing this Agreement.

Dated the day and year first above written.

Owner:
DRK Investing, LLC
a Colorado limited liability company

City of Grand Junction,
a Colorado home rule municipality:

By: 
Masi Khaja, Managing Member


Michael Bennett, City Manager

Exhibit A

LEGAL DESCRIPTION

2945-033-07-027

RIGHT-OF-WAY PARCEL NO. RW-36

A parcel of land being a portion of the land as described in Reception Number 2598238 lying in the SW1/4 SW1/4 of Section 3, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southwest Corner of said Section 3, and assuming the West line of said SW1/4 SW1/4 bears N00°02'40"E, with all other bearings contained herein being relative thereto; thence N00°02'40"E, along said West line, a distance of 125.26 feet; thence, leaving said West line, S89°57'20"E, a distance of 50.00 feet to a point on the West line of the property described in Reception Number 2598238 and to the Point of Beginning;

thence, along said West line of the property, N00°02'40"E, a distance of 105.01 feet to a point on the North line of the property described in Reception Number 2598238; thence, along said North line of the property, S89°56'58"E, a distance of 4.50 feet; thence, leaving said North line of the property, S00°02'40"W, a distance of 107.71 feet; thence along the arc of a 120.92 foot radius non-tangent curve to the left for a distance of 91.08 feet, with chord which bears S46°43'32"E, a distance of 88.95 feet, and an interior angle of 43°09'25"; thence N89°50'44"E, a distance of 124.10 feet; thence S78°54'00"E, a distance of 47.69 feet; Thence S65°27'08"E, a distance of 6.58 feet, to the southeast corner of the property described in Reception Number 2598238; Thence along the northerly right-of-way of Patterson Road, N89°59'38"W, a distance of 132.58 feet; thence, along the arc of a 123.92 foot radius curve to the right for a distance of 144.23 feet, with chord which bears N56°28'27"W, a distance of 136.23 feet, and an interior angle of 66°41'03", to a point on the easterly right-of-way of 25 Road, and to the Point of Beginning.

Said Parcel of land CONTAINING 2,448 Square Feet or 0.06 Acres, more or less, as described.

Authored by: Jodie L Grein, CO PLS #38075
 Rolland Consulting Engineers
 405 Ridges Blvd. Suite A
 Grand Junction, CO 81507



C:\Projects\2945 F.S Rd City GA\Parcel 36\CAD\Parcel 36 Acquisition Decisions - PLOTTED 2024-04-23

ABBREVIATIONS

P.O.C.	Point of Commencement	Rec.	Reception
P.O.B.	Point of Beginning	No.	Number
R.O.W.	Right-of-Way	RW	Right-of-Way
SEC.	Section	MPE	Multi-Purpose Easement
T.	Township	TCE	Temporary Construction Easement
R.	Range	U.M.	Ute Meridian
~	Approximately	Sq.Ft.	Square Feet

The sketch & description shown hereon have been derived from subdivision plats & deed descriptions as they appear in the office of the Mesa County Clerk & Recorder & monuments as shown. This sketch does not constitute a legal boundary survey, & is not intended to be used as a means for establishing or verifying property boundary lines.

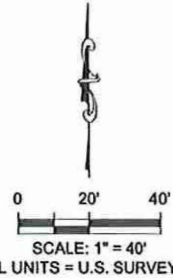
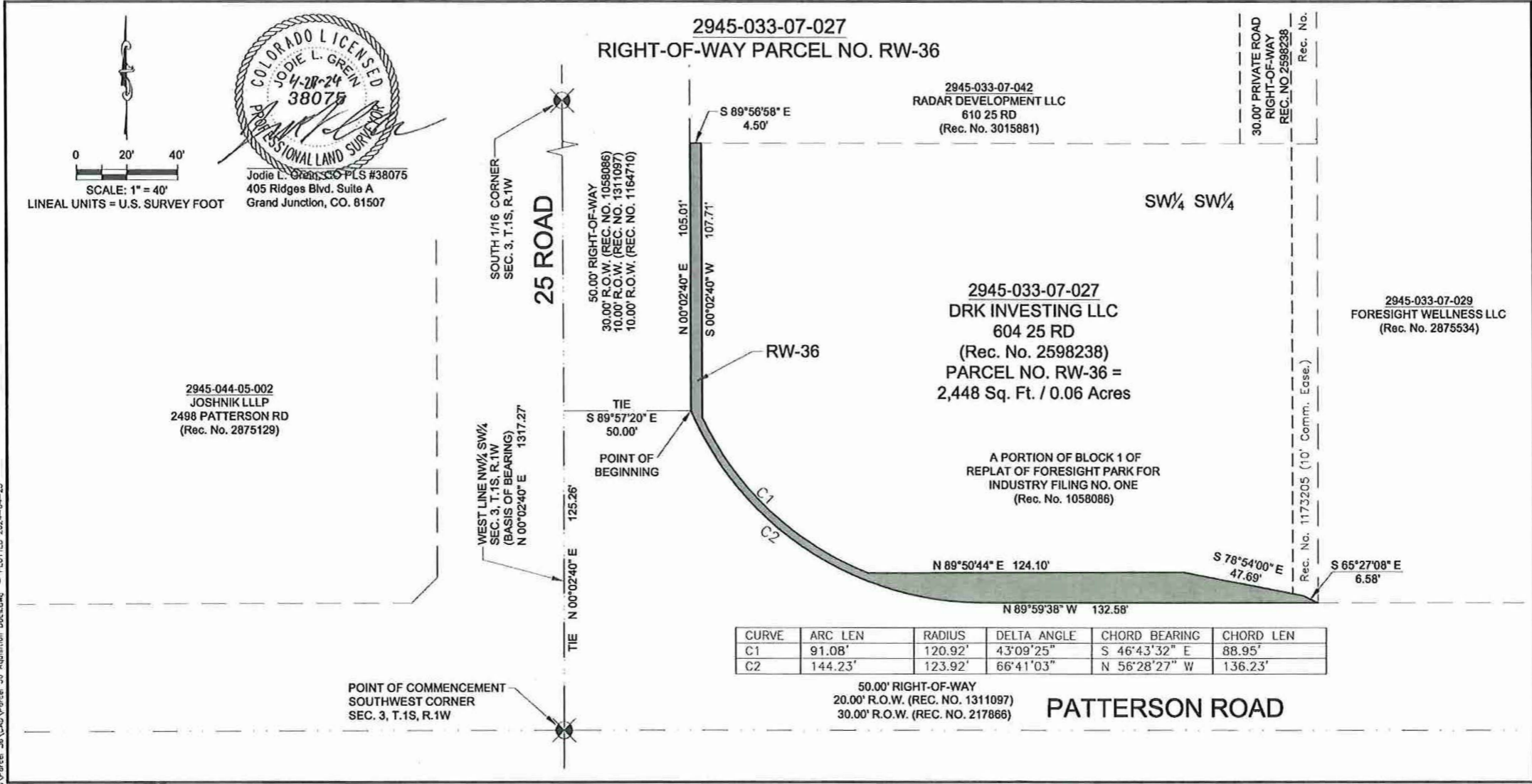
DRAWN BY: CLB
 DATE: 04-2024
 REVIEWED BY: JLG
 APPROVED BY: BH
 SCALE: _____

Portion of 2945-033-07-027
 Located in a part of the SW¼ SW¼
 Section 3, T.1S, R.1W
 Ute Meridian, City of Grand Junction
 Mesa County, Colorado



PUBLIC WORKS
 ENGINEERING DIVISION
 PROJECT NO. 207-F210306

Exhibit B



Jodie L. Grein, PLS #38075
405 Ridges Blvd. Suite A
Grand Junction, CO. 81507

2945-044-05-002
JOSHNIK LLLP
2498 PATTERSON RD
(Rec. No. 2875129)

SOUTH 1/16 CORNER
SEC. 3, T.1S, R.1W
25 ROAD

WEST LINE NW¼, SW¼
SEC. 3, T.1S, R.1W
(BASIS OF BEARING)
N 00°02'40" E 1317.27'

50.00' RIGHT-OF-WAY
30.00' R.O.W. (REC. NO. 1058086)
10.00' R.O.W. (REC. NO. 1311097)
10.00' R.O.W. (REC. NO. 1164710)

2945-033-07-027
RIGHT-OF-WAY PARCEL NO. RW-36

2945-033-07-042
RADAR DEVELOPMENT LLC
610 25 RD
(Rec. No. 3015881)

2945-033-07-027
DRK INVESTING LLC
604 25 RD
(Rec. No. 2598238)
PARCEL NO. RW-36 =
2,448 Sq. Ft. / 0.06 Acres

2945-033-07-029
FORESIGHT WELLNESS LLC
(Rec. No. 2875534)

A PORTION OF BLOCK 1 OF
REPLAT OF FORESIGHT PARK FOR
INDUSTRY FILING NO. ONE
(Rec. No. 1058086)

30.00' PRIVATE ROAD
RIGHT-OF-WAY
REC. NO. 2598238
Rec. No.

Rec. No. 1173205 (10' Comm. Easement)

POINT OF COMMENCEMENT
SOUTHWEST CORNER
SEC. 3, T.1S, R.1W

CURVE	ARC LEN	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LEN
C1	91.08'	120.92'	43°09'25"	S 46°43'32" E	88.95'
C2	144.23'	123.92'	66°41'03"	N 56°28'27" W	136.23'

50.00' RIGHT-OF-WAY
20.00' R.O.W. (REC. NO. 1311097)
30.00' R.O.W. (REC. NO. 217866)

PATTERSON ROAD

ABBREVIATIONS

P.O.C.	Point of Commencement	Rec.	Reception
P.O.B.	Point of Beginning	No.	Number
R.O.W.	Right-of-Way	RW	Right-of-Way
SEC.	Section	MPE	Multi-Purpose Easement
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R.	Range	U.M.	Ute Meridian
±	Approximately	Sq.Ft.	Square Feet

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DRAWN BY: CLB
DATE: 04-2024
REVIEWED BY: JLG
APPROVED BY: BH
SCALE: 1" = 40'

Portion of 2945-033-07-027
Located in a part of the SW¼ SW¼
Section 3, T.1S, R.1W
Ute Meridian, City of Grand Junction
Mesa County, Colorado



**PUBLIC WORKS
ENGINEERING DIVISION**
PROJECT NO. 207-F210306

Exhibit C

LEGAL DESCRIPTION

2945-033-07-027

MULTI-PURPOSE EASEMENT PARCEL NO. MPE-36

A parcel of land being a portion of the land as described in Reception Number 2598238 lying in the SW1/4 SW1/4 of Section 3, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southwest Corner of said Section 3, and assuming the West line of said SW1/4 SW1/4 bears N00°02'40"E, with all other bearings contained herein being relative thereto; thence N00°02'40"E, along said West line, a distance of 122.56 feet; thence, leaving said West line, S89°57'20"E, a distance of 54.50 feet to a point on the Easterly right-of-way of 25 Road and to the Point of Beginning;

thence N00°02'40"E, a distance of 107.71 feet to a point on the North line of the property described in Reception Number 2598238; thence, along said North line of the property, S89°56'58"E, a distance of 14.00 feet; thence, leaving said North line of the property, S00°02'40"W, a distance of 104.48 feet; thence, along the arc of a 106.92 foot radius non-tangent curve to the left for a distance of 74.88 feet, with chord which bears S46°50'12"E, a distance of 73.36 feet, and an interior angle of 40°07'28"; thence N89°50'44"E, a distance of 122.69 feet; thence S78°54'00"E, a distance of 52.44 feet; thence S00°03'02"W, a distance of 15.82 feet; to the southeast corner of the property described in Reception Number 2598238; thence N65°27'08"W, a distance of 6.58 feet; thence N78°54'00"W, a distance of 47.69 feet; thence S89°50'44"W, a distance of 124.10 feet; thence, along the arc of a 120.92 foot radius non-tangent curve to the right for a distance of 91.08 feet, with chord which bears N46°43'32"W, a distance of 88.95 feet, and an interior angle of 43°09'25", to the Point of Beginning.

Said Parcel of land CONTAINING 5,123 Square Feet or 0.12 Acres, more or less, as described.

Authorized by: Jodie L Grein, CO PLS #38075
Rolland Consulting Engineers
405 Ridges Blvd. Suite A
Grand Junction, CO 81507



ABBREVIATIONS

P.O.C.	Point of Commencement	Rec.	Reception
P.O.B.	Point of Beginning	No.	Number
R.O.W.	Right-of-Way	RW	Right-of-Way
SEC.	Section	MPE	Multi-Purpose Easement
T.	Township	TCE	Temporary Construction Easement
R.	Range	U.M.	Ute Meridian
~	Approximately	Sq.Ft.	Square Feet

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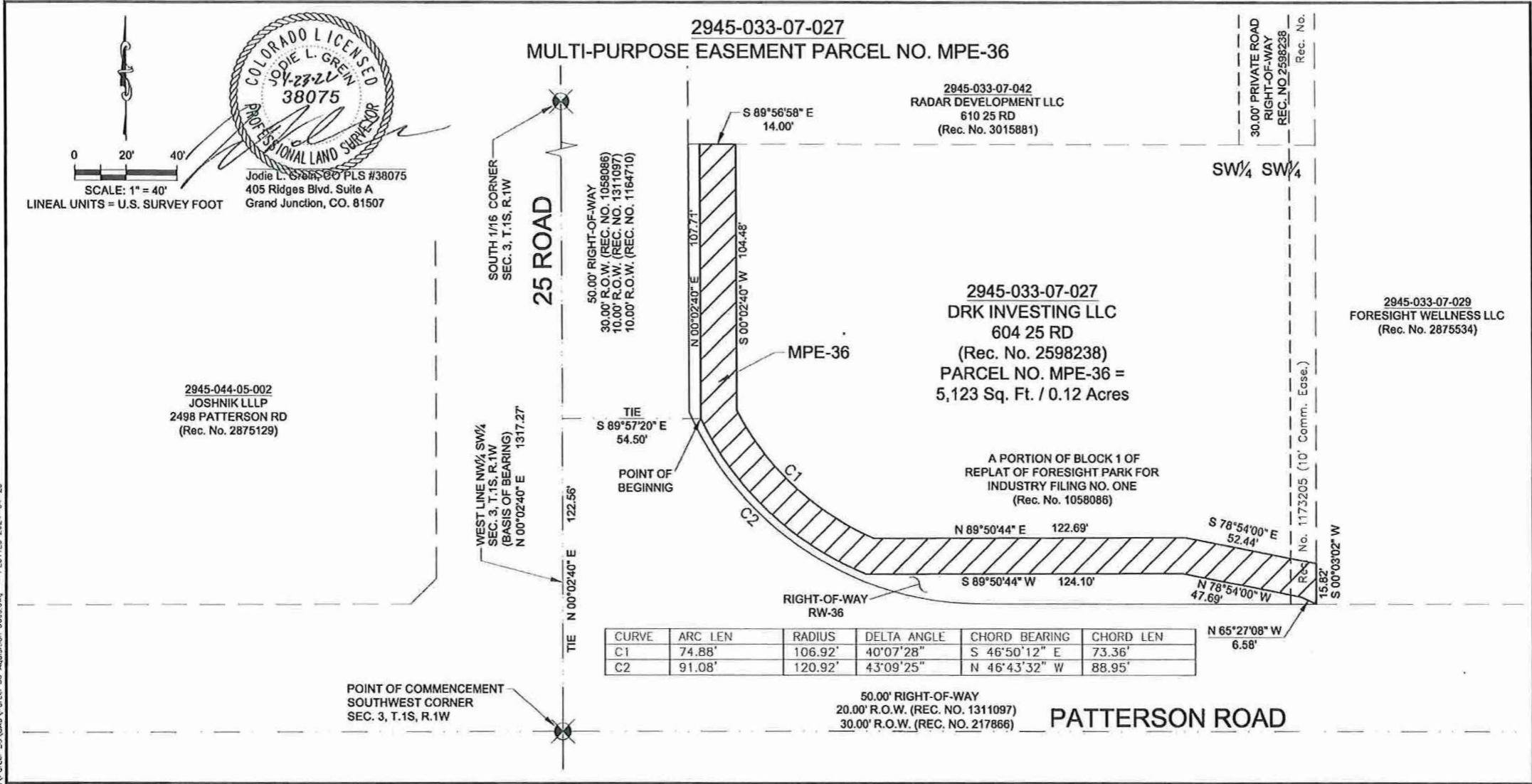
DRAWN BY: CLB
DATE: 04-2024
REVIEWED BY: JLG
APPROVED BY: BH
SCALE:

Portion of 2945-033-07-027
Located in a part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 3, T.1S, R.1W
Ute Meridian, City of Grand Junction
Mesa County, Colorado

CITY OF
Grand Junction
COLORADO

PUBLIC WORKS
ENGINEERING DIVISION
PROJECT NO. 207-F210306

Exhibit D



C:\Projects\25426 F5 Rd City CAD\Parcel 35 Acquisition Docs.dwg - PLOTTED 2024-04-23

ABBREVIATIONS

P.O.C.	Point of Commencement	Rec.	Reception
P.O.B.	Point of Beginning	No.	Number
R.O.W.	Right-of-Way	RW	Right-of-Way
SEC.	Section	MPE	Multi-Purpose Easement
T.	Township	TCE	Temporary Construction Easement
R.	Range	U.M.	Ute Meridian
~	Approximately	Sq.Ft.	Square Feet

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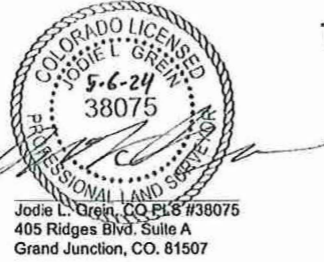
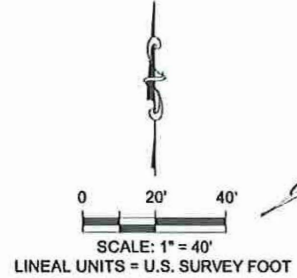
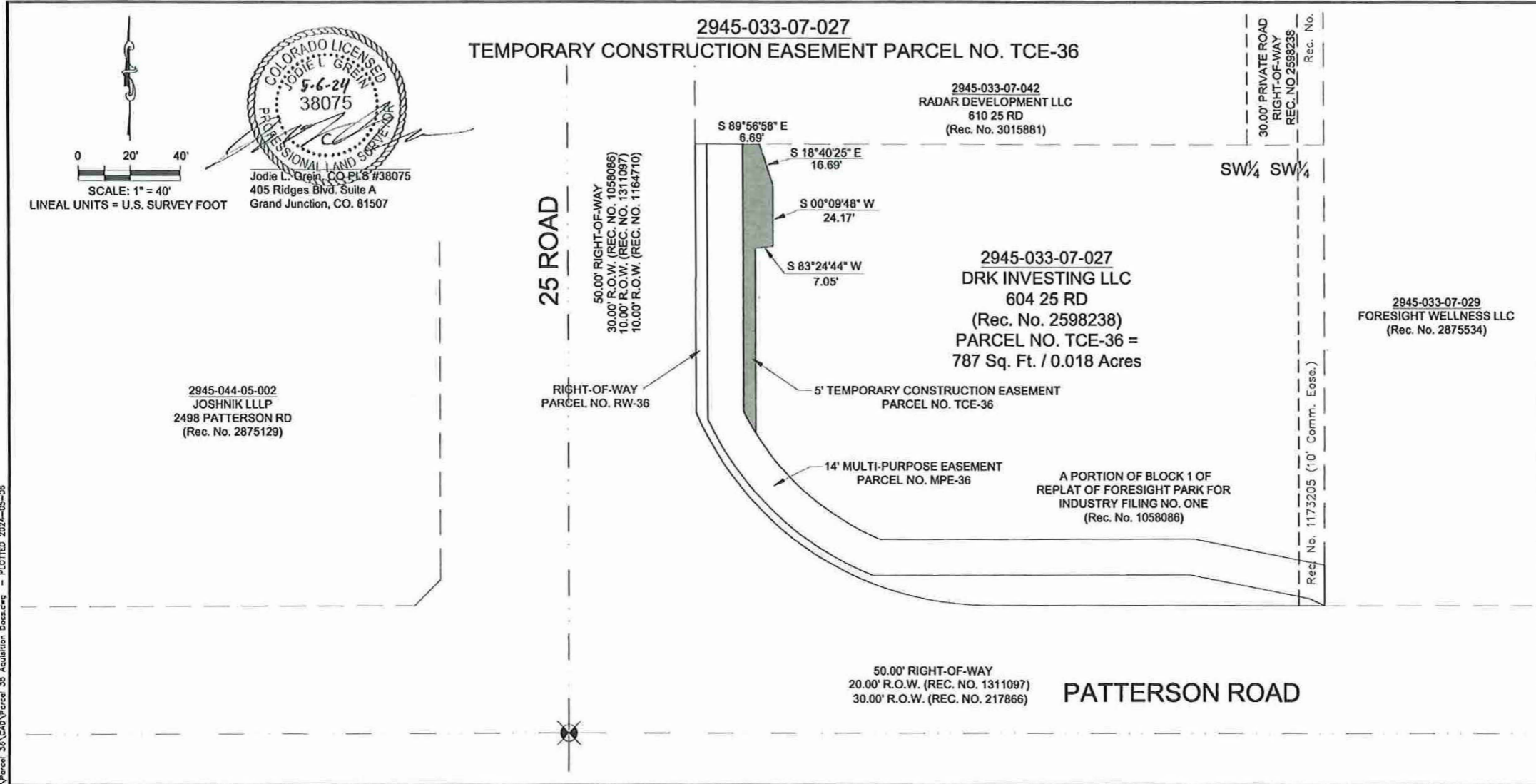
DRAWN BY: CLB
 DATE: 04-2024
 REVIEWED BY: JLG
 APPROVED BY: BH
 SCALE: 1" = 40'

Portion of 2945-033-07-027
 Located in a part of the SW¹/₄ SW¹/₄
 Section 3, T.1S, R.1W
 Ute Meridian, City of Grand Junction
 Mesa County, Colorado



PUBLIC WORKS
 ENGINEERING DIVISION
 PROJECT NO. 207-F210306

Exhibit E



Jodie L. Grein, CO P.L.S. #38075
405 Ridges Blvd, Suite A
Grand Junction, CO. 81507

C:\Projects\22428_F.S Rd City_CAD\Parcel_36_Acquisition_Docs.dwg - PLOTTED 2024-05-06

ABBREVIATIONS		
P.O.C.	Point of Commencement	Rec. Reception
P.O.B.	Point of Beginning	No. Number
R.O.W.	Right-of-Way	RW Right-of-Way
SEC.	Section	MPE Multi-Purpose Easement
T.	Township	TCE Temporary Construction Easement
R.	Range	U.M. Ute Meridian
~	Approximately	Sq.Ft. Square Feet

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APPROVED BY: BH
SCALE: 1" = 40'

Portion of 2945-033-07-027
Located in a part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 3, T.1S, R.1W
Ute Meridian, City of Grand Junction
Mesa County, Colorado



PUBLIC WORKS
ENGINEERING DIVISION
PROJECT NO. 207-F210306

Exhibit F

LEGEND

- TEMPORARY CONSTRUCTION EASEMENT (TCE)
- MULTI PURPOSE EASEMENT (MPE)
- RIGHT OF WAY (ROW)

36

2945-033-07-027
604 25 RD
DRK INVESTING LLC
ROW 2448.32 SF
MPE 5122.97 SF
TCE 787.05 SF

EXISTING CITY
RIGHT-OF-WAY

PROPOSED CITY
RIGHT-OF-WAY

RELOCATE EXISTING
MONUMENT SIGN 6.5-FT
DUE NORTH TO BE
ENTIRELY WITHIN CITY
MULTI-PURPOSE EASEMENT

PROPOSED RELOCATION OF
EXISTING MONUMENT SIGN
INTO MULTI-PURPOSED
EASEMENT

EXISTING MONUMENT SIGN
ENCROACHING 6.5-FT
INTO CITY
RIGHT-OF-WAY

TEMPORARY
CONSTRUCTION
EASEMENT

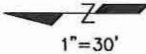
PROPOSED CITY
RIGHT-OF-WAY

14-FT
MULTI-PURPOSE
EASEMENT

EXISTING CITY
RIGHT-OF-WAY

PATTERSON ROAD

25 ROAD



REVISION	DESCRIPTION	DATE	DRAWN BY	DATE	SCALE
REVISION 1			JCS	2022	
REVISION 2			JCS	2022	
REVISION 3			JH	2022	
REVISION 4			JCP	2022	



**PUBLIC WORKS
ENGINEERING DIVISION**
PROJECT NO. 207-F210306L

**F 1/2 ROAD PARKWAY
SIGN ENCROACHMENT EXHIBIT - C**
OCTOBER 23, 2024

C